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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

KIM SHELBY, an individual,

Plaintiff,

v.

TUFAMERICA, INC., a New York
Corporation; and DOES 1 through 10,

Defendants.

Case No. 2:15-cv-05073-MMM-JEM

*Assigned to Judge Margaret M.
Morrow*

*Referred to Magistrate Judge John E.
McDermott*

**STIPULATION TO EXTEND
THIRD PARTY DEFENDANTS
AMAZON.COM INC. AND ON-
DEMAND PUBLISHING LLC'S
TIME TO RESPOND TO THIRD**

1 TUFAMERICA, INC., a New York
Corporation,

2 Third-Party Plaintiff,

3 v.

4 AMAZON.COM, INC., a Delaware
5 Corporation, and ON-DEMAND
6 PUBLISHING LLC, a Delaware Limited
Liability Company,

7 Third-Party Defendants.

**PARTY COMPLAINT BY NOT
MORE THAN 30 DAYS
(L.R. 8-3)**

Complaint Filed: July 6, 2015
Third Party Complaint Filed:
November 2, 2015
Trial Date: N/A

**STIPULATION TO EXTEND DEADLINE TO RESPOND TO THIRD-PARTY
COMPLAINT**

Third-Party Plaintiff TufAmerica, Inc. (“Plaintiff”) and Third-Party Defendants Amazon.com, Inc. and On-Demand Publishing LLC (“Defendants”) hereby submit this Stipulation as follows:

WHEREAS:

1. Plaintiff filed the Third-Party Complaint in this matter on November 2, 2015.

2. Plaintiff served Defendants with the Summons and Third-Party Complaint pursuant to FRCP Rule 4(e)(1) and California Code of Civil Procedure Section 415.30 on November 18, 2015.

3. Defendants’ current deadline to file a responsive pleading is Wednesday, December 9, 2015.

4. The parties have met and conferred and jointly stipulate to allow Defendants a thirty (30) day extension of their time to answer or move in response to Plaintiff’s Third-Party Complaint. This extension was granted at the request of Defendants and their counsel and includes additional time within which the parties intend to address the informal resolution of the disputes between them.

5. The new proposed deadline for Defendants’ responsive pleading is Friday, January 8, 2016.

6. In the instant matter, Defendants have not requested any extension of their time to answer or move in response to Third-Party Plaintiff’s Complaint previously.

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1 **NOW, THEREFORE, IT IS HEREBY STIPULATED THAT:**

2 1. Defendants shall file an answer or motion in response to Plaintiff's
3 Third-Party Complaint on or before January 8, 2016.

4
5 DATED: December 8, 2015

THE AVANZADO LAW FIRM

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7 By: /s/ Melvin N.A. Avanzado

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9 Melvin N.A. Avanzado, Esq.
10 Attorneys for Third-Party Plaintiff,
TUFAMERICA, INC.

11 DATED: December 8, 2015

DOLL AMIR & ELEY LLP

12
13 By: /s/ Gregory L. Doll

14 Gregory L. Doll
15 L. Katie Machado
16 Attorneys for Third-Party Defendants,
AMAZON.COM, INC. and ON-DEMAND
17 PUBLISHING LLC

18 I, Gregory L. Doll, am the ECF user whose identification and password are
19 being used to file this Stipulation. I hereby attest that Melvin N.A. Avanzado has
20 concurred in this filing.

21 /s/ Gregory L. Doll

PROOF OF SERVICE**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is **1888 Century Park East, Suite 1850, Los Angeles, California 90067.**


On December 8, 2015, I served the foregoing document described as **STIPULATION TO EXTEND THIRD PARTY DEFENDANTS AMAZON.COM INC. AND ON-DEMAND PUBLISHING LLC'S TIME TO RESPOND TO THIRD PARTY COMPLAINT BY NOT MORE THAN 30 DAYS (L.R. 8-3)** on the interested parties in this action by placing the original and/or a true copy thereof enclosed in (a) sealed envelope(s), addressed as follows:

SEE ATTACHED SERVICE LIST

- ☐ **BY REGULAR MAIL:** I deposited such envelope in the mail at 1888 Century Park East, Suite 1850, Los Angeles, California. The envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.
- ☐ **BY FACSIMILE MACHINE:** I transmitted a true copy of said document(s) by facsimile machine, and no error was reported. Said fax transmission(s) were directed as indicated on the service list.
- ☐ **BY OVERNIGHT DELIVERY:** I caused such documents to be delivered overnight via an overnight delivery service in lieu of delivery by mail to the addressees. The envelope or package was deposited with delivery fees thereon fully prepaid.
- ☐ **BY ELECTRONIC MAIL:** I transmitted a true copy of said document(s) via electronic mail, and no error was reported. Said email was directed as indicated on the service list.
- ☐ **BY PERSONAL SERVICE:** I caused such envelope(s) to be delivered by hand to the above addressee(s).
- ☒ **BY CM/ECF:** I electronically transmitted a true copy of said document(s) to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the aforementioned CM/ECF registrants.

I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 8, 2015, at Los Angeles, California.


Courtney McCabe

SERVICE LIST

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